

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Unapproved Draft Minutes: December 14, 2017

Public Board Meeting

1. **Pierre - Public DDN site:** CAP A, 500 E. Capitol Ave., Room B12, Pierre, SD 57501
2. **Rapid City - Public DDN site:** SD School of Mines & Technology Public Room, 501 E. St. Joseph St, EEP Building Room 144, Rapid City SD
3. **Board Conference Room:** 101 N. Main Ave., Suite 215, Sioux Falls, SD 57104
4. **Audio live Streaming on South Dakota Public Radio:** <http://www.sd.net/medex/>.

Thursday, December 14, 2017 – 9:00 am (CT)

Unapproved Draft Minutes¹

Boards Members:

Present: Kevin Bjordahl, MD; Mr. Corey Brown; Walter Carlson, MD, MBA; Mr. Richard Hainje; Laurie Landeen, MD; Jennifer May, MD; Jeffrey Murray, MD; Elmo Rosario, MD

Board Staff:

Present: Margaret Hansen, PA-C, MPAS; Mr. Tyler Klatt; Ms. Jane Phalen; Ms. Misty Rallis; Ms. Randi Sterling

Counsel:

Present: Assistant AG Steven Blair (Board), Assistant AG William Golden (Staff)

All Board meetings are public and other individuals may have been present.

Dr. Walter Carlson, president of the Board, called the meeting to order at 9:00 am (CT). Roll was called and a quorum was confirmed.

Consent Agenda:

- December 14, 2017 agenda
- September 14, 2017 Board meeting minutes
- August 15, 2017 through November 15, 2017 new licensure list
- Advisory Committee Business
- Financial report
- Docket review

A motion for unanimous approval of the consent agenda was ratified by roll call vote. (Murray/unanimous)

Advisory Committee Nominations:

- A motion to appoint Dr. Jeff Luther to the Advanced Life Support Advisory Committee was ratified by roll call vote. (Landeen/unanimous)
- A motion to appoint Mark Ponstein, PT, to the Physical Therapy Advisory Committee was ratified by roll call vote. (Landeen/unanimous)

Declaratory Rulings:

A motion to continue this matter to the March 2018 Board meeting to allow more stakeholder input was ratified by roll call vote.

(Bjordahl/unanimous)

9:00 am (CT) - Closed physician hearings – *Physician hearings are confidential until final action is taken pursuant to SDCL 36-4-31.5.*

The assigned board member does not participate in discussion or vote.

- Dr. Stanley P. Weber: Ryan Cox, attorney for Dr. Weber, was present by telecommunication. A motion to approve a final order that Dr. Weber's medical license be deemed as Withdrawn Under Investigation was ratified by roll call vote. (Rosario/unanimous)
- Dr. Elijah Mobley: A motion to approve and adopt the Stipulation and Agreement was ratified by roll call vote. (Bjordahl/unanimous) Mr. Hainje, the assigned board member in this matter, abstained from the vote.

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- Dr. Stephen Bernick: A motion to approve and adopt the Stipulation and Agreement was ratified by roll call vote. (Bjordahl/unanimous)
- Dr. Harald Aanning: A motion to accept the voluntary surrender of his South Dakota medical license was ratified by roll call vote. (Rosario/unanimous). Dr. Landeen, the assigned board member in this matter, abstained from the vote.

9:30 am (CT) - Public Hearing:

- Russell Graeff: Mr. Graeff appeared in person. A motion to enter executive session to consult with Board legal counsel was approved by roll call vote. (Bjordahl/unanimous). The meeting resumed. A motion to adopt the Hearing Examiner's Findings of Fact as amended, and the Conclusions of Law and Recommendation to deny a respiratory care practitioner license to Mr. Graeff was ratified by roll call vote. (Murray/unanimous).

Legislative Information 2018 accepted for information

- Dr. Ben Acre and Mark East represented the South Dakota State Medical Association (SDSMA). The proposed legislation to implement a two (2) year renewal cycle and status updates within thirty days to the Board for physicians was presented to the Board for information. The SDSMA will sponsor this legislation.
- The executive director explained the following two proposed board bills:
 1. adding expedited licensure process to the existing FBI criminal background investigation law for physicians
 2. 2017 legislation led to the dissolution of Joint Board between the BMOE and the Board of Nursing (BON) so there is no longer a mechanism to co-regulate medical assistants. This bill would remove the BON from the medical assistant practice act.

Interstate Medical Licensure Compact (IMLC)

- IMLC Commissioner and BMOE member Dr. Rosario presented information to the Board.

Executive Director Report was presented and accepted for information.

Medical Board Monitoring Program (MBMP)

- Randi Sterling presented an update, statistics, and a financial report on the MBMP which started in June 2018. This was accepted for information.

The meeting adjourned at 11:45 am (CT)

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.